

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                           |                |                      |                  |
|---------------------------|----------------|----------------------|------------------|
| In re the Application of: | Gredley, Sarah | Attorney Docket No.: | 006329.00005     |
| Serial No.:               | PCT/GB03/02228 | Group Art Unit:      | Not Yet Assigned |
| Filing Date:              | 23 May 2003    | Examiner:            | Not Yet Assigned |
| For:                      | Picture Frame  |                      |                  |

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 CFR § 1.137(b)**

RECEIVED

Mail Stop Petition  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

20 OCT 2005

Legal Staff  
International Division

Sir:

Applicants respectfully petition to revive the above-captioned unintentionally abandoned application under 37 C.F.R. § 1.137(b). The above-captioned application was unintentionally abandoned on November 23, 2004, for failure to file a U.S. national phase application claiming the benefit of the above captioned PCT application.

To satisfy the requirements of 37 C.F. R. § 1.137(b):

- (1) Applicants submit herewith a continuation application (assigned attorney docket no. 006329.00005); the application includes a preliminary amendment and application data sheet making a priority claim to PCT/GB03/02228.

Petition To Revive

- (2) Applicants authorize the Commissioner to charge the requisite fee of \$750 for this petition to our Deposit Account No. 19-0733.
- (3) Applicants submit that the delay in filing this required reply from the due date for the action (November 23, 2004) until the filing of this petition today was unintentional.
- (4) No terminal disclaimer is required because the application was filed after June 8, 1995.

Applicants respectfully request grant of this petition in view of the following:

**Facts**

1. Applicants filed the above captioned PCT application on 23 May 2003 claiming the benefit of prior Great Britain application No. GB 0211893.3 filed 23 May 2002. (Exhibit A; cover page of published PCT application)
2. The PCT application designated the United States. (Exhibit A)
3. The PCT application was prepared and filed for the Applicants in Great Britain by the Birmingham, England office of the Barker Brettell firm. Following normal PCT proceedings, the Barker Brettell firm timely requested instruction from the Applicants with respect to initiating national phase applications corresponding to the PCT application. The Applicants failed to respond with timely instructions to the Barker Brettell firm due to misunderstandings regarding PCT practice on the part of the Applicants. More specifically, the Applicants reasons for not providing instructions earlier to Barker Brettell to initiate the U.S. national phase application was a combination of a temporary lack of funds and a mistaken belief that the U.S.

Petition To Revoke

national phase could be entered later. Upon being informed of the passage of the due date, the Applicants promptly provided instructions to the Barker Brettell firm to take steps to revive the PCT application and initiate the U.S. national phase application claiming the priority benefit of the PCT application. The Barker Brettell firm, in turn, promptly provided corresponding instructions to the undersigned.

4. The undersigned promptly prepared this petition to revive the PCT application and concurrently filed a corresponding U.S. continuation application.

In view of the above, Applicants submit that they have complied with the provisions of 37 CFR § 1.137(b) and respectfully request revival of the above-captioned application, which was unintentionally abandoned on 27 November 2004.

Respectfully submitted,



Peter D. McDermott (Reg. No. 29,411)  
Attorney for Applicants  
Banner & Witcoff, Ltd.  
28 State Street, 28<sup>th</sup> Floor  
Boston, MA 02109-1775  
Tel: (617) 720-9600  
Fax: (617) 720-9601  
E-Mail: [pmcdermott@bannerwitcoff.com](mailto:pmcdermott@bannerwitcoff.com)

Dated: 12 January 2005

Enclosures:

U.S. National Phase Application (docket no. 006329.00005)  
Fee Transmittal Letter  
Postcard

Petition To Revive